

## 10 – PLANNING

Compilation Number	Ordinance Number	Subject
10-1	[Repealed]	
10-2	583 as amended by 1634 and 2008	House Numbering
10-3	[Repealed]	
10-4	[Repealed]	
10-5	[Repealed]	
10-6	[Repealed]	
10-7	[Repealed]	
10-8	1588	Park Acquisition and Development Fund
10-9	[Expired]	
10-10	[Repealed]	
10-11	1679 as amended by 1730, 1735, 1821, 1907, 1915, 1921, 1954, 1969, 2020, 2168, 2170, 2201, 2216, 2243 and 2247	Comprehensive Plan
10-12	[Repealed]	
10-13	1689 as amended by 1729 Growth and 1734	Growth Management Ord.
10-14	[Repealed by 2313]	
10-15	1908 as amended by 2008	Street Trees
10-16	[Repealed]	
10-17	[Repealed]	
10-18	[Repealed]	
10-19	2018 as amended by 2253	Flood Plain Areas
10-20	2021	Urban Growth Boundary
10-21	[Repealed]	
10-22	[Repealed by 2313]	
10-23	2056	Land Use Application Processing Fees
10-24	[Repealed by 2313]	
10-25	2313	Woodburn Development Ordinance

## ORDINANCE NO. 583

A BILL FOR AN ORDINANCE PROVIDING FOR THE NUMBERING OF HOUSES, STORES, AND OTHER BUILDINGS ERECTED WITHIN THE CITY OF WOODBURN; COMPELLING THE OWNERS THEREOF TO NUMBER SUCH BUILDINGS; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

## THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

**Section 1. Buildings, How Numbered.** There shall be a uniform system of numbering all houses, stores and other buildings, except sheds and outbuildings erected or to be hereafter erected within the city limits of the city of Woodburn, by placing on the door or door frame of the main entrance of said building, or as near thereto as practicable, the number assigned thereto as hereinafter provided; said number to be painted on the building or on metal or glass, or a metallic figure used, at the option of the owner, and so placed as to be readily seen from the street. The figures designating the numbers when painted or otherwise shall be not less than three inches in height.

**Section 2. Time for Numbering.** All houses or buildings now erected shall be numbered within 90 days from the passage and approval of this ordinance, and all houses or buildings hereafter erected shall be numbered before being occupied.

**Section 3. Civil Infraction Assessment.** A violation of any provision of this ordinance constitutes a class 4 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 3 as amended by Ordinance 2008 passed October 24, 1988.]

**Section 4. Public Buildings.** The committee on streets is hereby authorized to cause proper numbers to be placed on public buildings as required.

**Section 5. Houses, How Numbered.** That houses or buildings erected upon streets running northerly and southerly shall be numbered as follows: that part of each of said streets lying south of Cleveland Street shall be numbered southerly from the south side of said Cleveland Street, beginning with the number 100, and allow 100 numbers to each block; both sides of a street being considered a block. The even numbers to be used for numbering houses and buildings on the east side of said streets, and the odd numbers to be used for numbering on the west side of said streets. The first tier of blocks south of Cleveland Street shall be numbered southerly beginning such numbering with the figure 100, and continuing with successive numbers thereafter to and inclusive of the figure 199. The second tier of blocks shall be numbered beginning with the number 200 and continuing with the successive numbers thereafter, to and inclusive of the number 299, and continuing in like manner the numbering of each successive tier of blocks, giving 100 numbers to each tier of blocks, and ending such numbering at the southern boundary of the city. That part of said streets north of Cleveland Street shall be numbered in the same manner, but northerly from Cleveland Street, beginning with the number 100 and giving 100 numbers to each tier of blocks

## 10-2.5

## 10-2.6

northerly, and numbering in the same manner as numbering of said buildings southerly of Cleveland Street. Buildings or houses erected on lots which abut upon streets running easterly and westerly shall be numbered as follows: that part of each of said streets lying east of Front Street shall be numbered easterly from the east side of said Front Street, beginning with the number 100 and allowing 100 numbers to each block, both sides of the street being considered a block. The even numbers to be used for numbering houses and buildings on the south side of said streets, and the odd numbers to be used for such numbering on the north sides of said streets. The first tier of blocks east of Front Street shall be numbered easterly, beginning such numbering with the figure 100 and continuing with successive numbers thereafter to and inclusive of the figure 199. The second tier of blocks shall be numbered beginning with the number 200 and continuing with successive numbers thereafter to and inclusive of the number 299, and continuing in a like manner the numbering of each successive tier of blocks, giving 100 numbers to each tier of blocks, and ending such numbering at the eastern boundary of the city. That part of said streets lying west of Front Street shall be numbered in the same manner, but westerly from Front Street, beginning with the number 100 and giving 100 numbers to each tier of blocks westerly, numbering in the same manner as the numbering of said buildings easterly of Front Street.

All buildings or houses which are located upon short or otherwise irregular streets which are not covered by the foregoing provisions shall be numbered as near like as possible that of the nearest adjoining blocks of regular streets running relatively in the same direction. In order to ascertain the proper position of a number in a block, the length of the block shall be divided by 50 and this will give the relative distance apart of each number.

**Section 6.** All ordinances or part of ordinances in conflict herewith are hereby repealed.

*Passed by the Council and approved by the Mayor April 1, 1924.*

## ORDINANCE NO. 1588

**AN ORDINANCE REQUIRING PAYMENT INTO THE PARK ACQUISITION AND DEVELOPMENT FUND FOR MULTI-FAMILY DWELLINGS; AND DECLARING AN EMERGENCY.**

**THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:**

**Section 1.** All structures designed for residential occupancy and consisting of two or more dwelling units per structure, and all mobile home parks, shall, prior to issuance of a building permit, pay into the park acquisition and development fund a sum of money equal to \$100.00 for the first unit and \$65.00 for each unit thereafter.

**Section 2.** The Woodburn common council, after considering recommendations of the park board and planning commission, may waive the fee, in whole or in part, if the following conditions exist:

(a) The project, by its nature or nature of the occupancy, will not create additional demand on the park and recreational facilities of the city of Woodburn.

(b) The owner donates land to the city of Woodburn for park and recreational purposes.

**Section 3.** [Emergency clause.]

*Passed by the Council January 9, 1978, and approved by the Mayor January 10, 1978.*

10-11.1

10-11.4

## ORDINANCE NO. 1679

AN ORDINANCE ADOPTING WOODBURN 2000 COMPREHENSIVE PLAN AS THE OFFICIAL COMPREHENSIVE PLAN FOR THE CITY OF WOODBURN.

[Whereas clauses.]

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

**Section 1. Comprehensive Plan Adoption.** The Woodburn Common Council hereby adopts "Woodburn 2000 Comprehensive Plan" as the official comprehensive plan for the City of Woodburn.\*

**Section 2. Filing of Plan.** One copy of the Comprehensive Plan shall be filed with the City Recorder and one copy shall be filed with the Secretary of the Planning Commission to be available for public inspection upon demand.

**Section 3. Amendments.** The procedure for a change to the text in the Comprehensive Plan shall be the same as the procedure for changing the text as prescribed in the Woodburn Zoning Code.

**Section 4. Map Amendments.** The procedure for a change to the Comprehensive Plan Map shall follow the same procedure as a change in the zone map as prescribed in the Woodburn Zoning Code.

*Passed by the Council August 27, 1979, and approved by the Mayor August 28, 1979.*

---

\* Woodburn 2000 Comprehensive Plan amended by Ordinance No. 1730, passed December 8, 1980; Ordinance No. 1735, passed January 26, 1981; Ordinance No. 1821, passed June 13, 1983; Ordinance No. 1907, passed January 14, 1985; Ordinance No. 1915, passed April 22, 1985; Ordinance No. 1921, passed August 14, 1985; Ordinance 1954, passed June 26, 1986; Ordinance 1969, passed March 23, 1987; Ordinance 2020, passed April 24, 1989; Ordinance 2168 passed April 23, 1996. Ordinance 2170 passed June 10, 1996; Ordinance 2201 passed September 22, 1997, Ordinance 2216 passed June 8, 1998, Ordinance 2243 passed September 13, 1999; and Ordinance 2247 passed November 22, 1999, is on file for reference in the office of the City Recorder.

10-13.1

10-13.4

ORDINANCE NO. 1689

AN ORDINANCE ESTABLISHING A GROWTH MANAGEMENT PROGRAM FOR WOODBURN AND PROVIDING FOR ITS IMPLEMENTATION.

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

**Section 1. Title.** This ordinance shall be known as the Woodburn Growth Management Ordinance and may be so cited and pleaded.

**Section 2. Purpose and Intent.** The purpose and intent of the Growth Management Ordinance is to protect the City against unexpected growth, protect the City against over taxing of its public facilities, and allow for proper planning of public capital improvement programs. Demands on public facilities are best predicted by the population in the City at any given time.

**Section 3. Hearings.**

(a) Legislative Hearings. When a legislative hearing is called for in this ordinance, notice shall be given as follows: Notice shall be published in a paper having general circulation in Woodburn ten days prior to the hearing. Notice shall also be given to Marion County or other regional coordinating agencies designated by the Land Conservation and Development Commission ten days prior to the hearing.

(b) Quasi-judicial Hearing. When in this ordinance a quasi-judicial hearing is called for, notice shall be given as follows: written notice mailed to all applicants who have applied for permits under the provisions of this ordinance at least ten days before the hearing.

**Section 4. When Ordinance Called into Effect.**

(1) When the population of the City of Woodburn exceeds the following amounts in July of the following years, as determined by reasonably available data:

<u>1979 - 1989</u>	<u>1990 - 2000</u>
1979 - 11,719	1990 - 17,628
1980 - 12,260	1991 - 18,165
1981 - 12,808	1992 - 18,703
1982 - 13,357	1993 - 19,240
1983 - 13,905	1994 - 19,778
1984 - 14,453	1995 - 20,315
1985 - 15,002	1996 - 20,852
1986 - 15,527	1997 - 21,389
1987 - 16,092	1998 - 21,926
1988 - 16,578	1999 - 22,463
1989 - 17,103	2000 - 23,000

## 10-13.4

## 10-13.5

Upon determination by the City that its population has exceeded the population projection that year, the City shall notify Marion County of this determination. After having coordinated this determination with the County, as prescribed in ORS 197.015 Subsection (4), the City shall publish notice once in the area and notify the regional coordinating agency that the Growth Management Ordinance is in effect.

(2) The Council must also, after a legislative hearing, make findings based on evidence that the City's public facilities and services are or reasonably soon will be overburdened.

(3) When the Growth Management Ordinance is in effect permits to build, construct, remodel, or erect shall be granted only in conformance with the provisions of this ordinance.

(4) When the ordinance is called into effect the Council shall establish a time-specific commitment to remedy those public facility deficiencies which have necessitated implementation of the building quotas of this ordinance.

[Section 4 amended by Ordinance No. 1729, passed December 10, 1980.]

**Section 5. Building Quota Set.**

(1) The Council shall, upon recommendation of the Planning Commission and after a legislative public hearing, establish three annual building quotas to, within three years of the time the order is called into effect, bring the City's population to within the limits established by this ordinance in Section 4(1), or other limits as provided in Section 4(3).

(2) The Council shall use as a criterion for establishing the quota the goal of fairly meeting the housing and economic needs of the City as much as possible. This criterion is not exclusive and is meant to supplement, and not replace, the intent and purpose of this ordinance. The Council shall adopt as findings, the data and information it received in making quotas.

(3) The Council shall determine the number of housing units which include mobile homes as defined in City Ordinance No. 1344, Section 1.380, and which can be added to the City while meeting the population goal established in Section 4(1) or Section 4(3) and housing needs projection as established in the Comprehensive Plan. The number of units to be added shall be established as an annual quota for each year in the three-year period. The units shall be allocated among the following three categories:

- (a) Residential developments of 12 or less dwelling units per acre.
- (b) Residential developments of more than 12 dwelling units per acre.
- (c) Low and moderate income housing.

10-13.5

10-13.6

The low moderate income housing category quota shall allocate a sufficient share to this category in order to meet the City's fair share of the regional need for these types of housing. [Subsection 3 amended by Ordinance No. 1729, passed December 10, 1980; and Ordinance No. 1734, passed January 27, 1981.]

(4) For a project to qualify as low and moderate income housing at least 50% of the units in the project must project and charge rent, or have a monthly mortgage payment including principal, interest, taxes and insurance, of less than 1.65% of Marion County's median household income for the latest given year. The City may require, in order for a project to qualify for this quota, an agreement that the project will keep its rent at this level, adjusted annually for increases in the median income of Marion County for up to 5 years.

(5) The Council shall establish a quota for commercial, industrial, and public use development based on the anticipated employment. The quota for employees shall be determined by a reasonable economic analysis of the City's and region's needs for additional employment. The quota shall be established as an annual quota for each year of the three year period.

(6) Persons desiring to build while the Growth Management Ordinance is in effect shall apply for permission to build on application forms provided by the City. Each applicant for a permit to build shall certify to the City the number of dwelling units or employees he will require to complete the project, and the category under which the project falls.

(7) The Council shall establish a deadline for project to apply for permits to build under the Growth Management Ordinance.

**Section 6. Program Coordinating Committee.**

(1) A program coordinating committee shall be established, appointed by the Mayor, and approved by the Common Council, and be drawn from the City staff. The committee shall have five (5) members. The committee shall be an advisory body to the Planning Commission and Council regarding the Growth Management Ordinance.

(2) (a) The Program Coordinating Committee shall recommend to the Planning Commission within thirty (30) days after the Growth Management Ordinance is called into effect, a point scale for the quality point system. The Program Coordinating Committee shall also include a rationale for the point scale and what public goals are hoped to be furthered by it.

(b) The Planning Commission shall review the proposed point scale. The Planning Commission shall recommend a scale to the Common Council and include a report on the rationale for the scale and what is hoped to be accomplished by it.



10-13.6

10-13.7

(c) The Council shall hold a legislative hearing, and adopt or modify the scale recommended by the Planning Commission. The Council shall adopt a point scale and report by an ordinance.

(3) The quality point system shall contain, but shall not be limited to, consideration of the following items:

(a) Impact, both positive and negative, on the sewage treatment facility by capacity and sewage load.

(b) Impact, both positive and negative, on the sewer lines.

(c) Impact, both positive and negative, on the City's transportation system.

(d) Impact, both positive and negative, on the City's drainage and storm sewage system.

(e) For the residential developments, the amount of recreational facilities provided.

(f) Impact, both positive and negative, on other public facilities.

(g) Conformance to Woodburn Comprehensive Plan Goals and Policies: The point system must be related to specific policies delineated in the quality point system. The quality point system must be based on:

(1) Objective and measurable action;

(2) Based on specific criteria on how the policies will be met.

(h) If necessary, negative points for developing on an overloaded or near capacity facility.

(i) Minimum points which a project must receive, and minimum size of a project to qualify for phasing under Section 9.

#### **Section 7. Low Impact Project Exceptions.**

(1) The City, in its quality point system, shall establish a low impact projects exception which will allow projects of insignificant impact to build without competing in the quality point system.

(2) Existing lots on the date of the calling into effect of this ordinance as authorized in Section 4 may be allowed to construct one (1) single family detached home lot as long as it is in conformance with other applicable city ordinances. Persons may also develop the following uses without consideration of the Growth Management Ordinance: churches, schools and municipal buildings.

10-13.8

10-13.8

**Section 8.     Permits, How Issued.**

(1) If the requests for permits are less than the quota established by the Council under Section 5, then all permits shall be issued for that particular construction type (e.g., low density residential, high density residential, low and moderate income housing, commercial, and industrial and public use).

(2) If there are a greater amount of applicants than the building quota would allow then the projects shall be treated in the following manner:

(a) The Program Coordinating Committee shall rate the projects according to the point scale approved by the Council.

(b) The Program Coordinating Committee shall recommend to the Planning Commission its ratings for the projects.

(c) The Planning Commission shall review the ratings, after a quasi-judicial hearing, and may amend or modify as it deems necessary.

(d) Projects shall then be assigned a priority according to the final ratings, with projects having the highest rating the highest priority.

(3) Prior to issuance of any building permits the Common Council shall review the actions of the Planning Commission. If the Council deems it necessary they may call a quasi-judicial hearing, and amend, modify, or reverse any decision of the Planning Commission.

(4) After the Council's review, the permits shall be awarded to projects according to priority. All permits possible under the quota shall be awarded.

(5) At least one competition for permits shall be held each year the Growth Management Ordinance is in effect.

(6) If, after the first deadline for permits has passed, and not enough applicants were received to issue all permits, then a new deadline shall be set by the Planning Commission.

(7) If, after the first applications for permits in any one calendar year have been granted, the Planning Commission finds that there is an excess in one of the sectors of the building quota, the Commission may transfer, by motion, the quota from one sector to another. The transfer will become effective after review by the Common Council. The Council may amend, modify or deny the transfer if it deems it fit. In making the transfer of quota from one sector to another the Planning Commission or Council shall call a hearing and shall use the same criteria as established in Section 5(2) of this ordinance.

10-13.9

10-13.11

**Section 9. Phasing of Projects.**

(1) The Planning Commission may phase projects, i.e., break a project into developmental units for the purpose of granting one or more phases for the current calendar year and to guarantee permits for completion of said phases from the following two (2) calendar years' allocation of permits.

(2) The Commission shall phase projects when the number of applicants which exceeds the minimums established in the quality point system exceeds the permits available.

(3) The Commission may not guarantee more than 60% of available permits for the following two (2) calendar years in phasing projects.

(4) Each phase of a project must constitute a logical developmental unit in itself, including, but not limited to, adequate sewer, water, storm drainage, transportation, recreational facilities, etc.

(5) The Commission may attach conditions it deems necessary to projects to meet the criteria for phasing projects.

(6) The Commission shall attempt in phasing projects to:

(a) Fully utilize the quota established in Section 5.

(b) Grant the requests of the maximum number of applicants possible.

**Section 10. Projects Time Limit.**

(1) If a project receives a permit while the ordinance is in effect, the project has 120 days from the notification of approval to begin construction.

(2) If the time limit expires on a project, its portion of the annual quota shall be returned to the quota. The disqualified project shall be eligible for competition for permits at a future date.

(3) If, after 120 days, it appears that substantial construction has not commenced, the Planning Commission shall provide quasi-judicial notice, and hold a quasi-judicial hearing, to determine the facts in the matter. If after the hearing, it appears that unavoidable delays have occurred in the project's construction, the Commission may extend the time period for sixty (60) days at a time.

**Section 11. Variances.**

(1) Subject to the restrictions and provisions contained in this ordinance, the Planning Commission shall have the power to vary or modify the strict application of any of the regulations or provisions of this ordinance, in any case when such strict application will result in practical difficulties or unnecessary hardships. Power herein

10-13.11

10-13.13

provided to the Planning Commission to grant variances from strict application of the provision of this ordinance shall be used sparingly, within the limits granted to the Planning Commission, within the spirit and intent of this ordinance, applied reasonably to maintain and not abolish the purpose and intent of the Growth Management Ordinance.

(2) The Planning Commission may permit or authorize a variance when it appears from the application, or the facts at the public hearing, or by investigation that all of the following criteria have been met:

(a) There are unnecessary unreasonable hardships or practical difficulties which can be relieved only by modifying the literal requirements of the ordinance.

(b) That there are exceptional or extraordinary circumstances applying to the land, building, or specific project which do not apply to land, buildings, or other projects in the City. However, non-conforming land uses or structures in the vicinity shall not in themselves constitute such circumstances or conditions.

(c) The granting of the application will not be materially detrimental to the public welfare.

(d) That the granting of the application will not seriously overburden the public facilities in the vicinity, or in the City as a whole.

(e) That granting of the application will not adversely affect the overall intention of bringing the City to within the stated population goals.

(3) The Commission shall hold a quasi-judicial hearing before considering the granting of a request for variance.

(4) The variance shall not become effective until after the Council has reviewed the variance. The Council may call up for review the action of the Commission, and may, after a hearing, reverse, modify, or amend the variance.

**Section 12. Appeals to Common Council.** Any action of the Planning Commission in administering this ordinance may be appealed to the Common Council by an affected party. The affected party shall file notice of such appeal with the City Recorder within 10 days of the Planning Commission's action.

**Section 13. Amendments to the Text.** The Planning Commission may recommend to the Council amendments of the text of the Growth Management Ordinance after having a legislative hearing and notice. The Council may also amend the text of the Growth Management Ordinance after referring the matter to the Planning Commission and receiving a recommendation from them within thirty (30) days. In this case the Council must hold the public hearing as established above.

---

10-13.14

10-13.14

**Section 14.** Ordinance No. 1657, the City's prior Growth Management Ordinance, is hereby repealed.

*Passed by the Council November 26, 1979, and approved by the Mayor  
November 27, 1979.*

## ORDINANCE NO. 1908

**AN ORDINANCE RELATING TO TREES LOCATED WITHIN THE CITY OF WOODBURN AND REPEALING ORDINANCE 1786.****THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:**

**Section 1. Definitions.** As used in this ordinance, the following words mean:

Park tree. A tree, shrub, bush, or other woody vegetation located in public park or other area owned by the City having an individual name, and all other areas owned by the City, or to which the public has free access as a park.

Private tree. A tree, shrub, bush or other woody vegetation located on private property other than a dedicated right-of-way or City utility easement or public parks and grounds.

Street tree. A tree, shrub, bush or other woody vegetation on land lying within a dedicated right-of-way along either side of a street, avenue or other way within a dedicated utility easement of the City.

**Section 2. Creation of a Street Tree Committee.** There is hereby created a standing committee of the Woodburn Recreation and Parks Board and the Woodburn Planning Commission that shall be known as the Street Tree Committee. The members of the Committee are the same as the members of the Board and Commission.

**Section 3. Duties and Responsibilities of the Street Tree Committee.** The Committee shall study, investigate, and develop, and/or update annually, and administer a written plan for the care, preservation, pruning, replanting, removal or disposition of street trees and park trees. The plan shall be presented when required to the City Council, and upon their acceptance and approval, shall constitute the official Comprehensive City Tree Program of the City of Woodburn, Oregon. The Committee, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

**Section 4. Street Tree Species to be Planted.** The Official Woodburn Street Tree List of acceptable species of trees, shrubs, bushes and other woody plant material shall be compiled by the Committee and made available to the public. No person, without the written permission of the City, shall plant a street tree of a species other than those included on the list.

**Section 5. Street Tree Care.** In consideration of the value and benefits derived from the beauty and enjoyment of the street trees, the property owners abutting dedicated rights-of-way and utility easements, shall have the responsibility, control, and shall bear the cost of maintenance and care of the street trees abutting their property, and shall regularly inspect and remove defective conditions as necessary.

10-15.6

10-15.9

**Section 6. Public Tree Care.**

(1) The City may plant, prune, maintain and remove park and street trees, as may be necessary to insure public safety, or to preserve or enhance the appearance of public lands. The City may remove, or cause to be removed, at the expense of the abutting land owner, a tree or part of a tree which is in an unsafe condition, which by reason of its nature is injurious to public water lines, private sewers, electric lines, telephone lines, gas lines, or other public improvements, or is affected with any injurious fungus, insect, or pest.

(2) This section does not prohibit the planting of street trees by abutting property owners, providing that the selection, location, and planting of such trees is in accordance with the list of acceptable species and the other sections of this ordinance.

**Section 7. Summary Powers for Removal of Dangerous or Nuisance Trees.**

(1) The City may prune a private tree when it interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign.

(2) The City may cause the removal of all or part of any dead, dangerous or diseased park, private or street tree when the tree constitutes a hazard to life, property, or harbors insects or disease which constitutes a potential threat to other trees within the City.

(3) The City may remove or trim a tree described in this section or may require the property owner to remove or trim any such tree on private property, or in a dedicated right-of-way or utility easement abutting upon the owner's property. Failure of the property owner to remove or trim the tree within 30 days after receiving notice by the City Administrator is a violation of this Ordinance, and the Public Works Department may then remove or trim the tree and assess the costs as a lien against the property.

**Section 8. Spacing of Plantings.** The spacing of street trees shall be in accordance with the species, size, classes listed in the Official Woodburn Street Tree List of this Ordinance, and no trees shall be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; large trees, 50 feet measured trunk to trunk, except in special plantings approved by the City.

**Section 9. Planting Distance from Curb and Sidewalk.** The distance the trees may be planted from curbs, or curb lines and sidewalks shall be in accordance with the Official Woodburn Street Tree List. No trees shall be planted in any parkway strip less than 4 feet in dimension between the curb or curb line and the sidewalk. No trees shall be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; large trees, 4 feet.

10-15.10

10-15.16

**Section 10. Planting Distance from Street Corners, Fire Plugs, and Street Lights.**

No street trees shall be planted closer than 30 feet from any street corner, measured from the point of the nearest intersecting curbs or curb lines. No street trees shall be planted closer than 10 feet to any fireplug or 30 feet to any street light measured from the base of the street light. Vision clearance shall be provided as described in Section 8.19 of the Woodburn Zoning Ordinance.

**Section 11. Planting Distance from Utilities.** No street trees other than those species listed as small trees in the list of acceptable species may be planted under or within 10 lateral feet of any overhead utility wire, and no street tree may be planted over or within 5 lateral feet of any underground water line, sewer line, transmission line or other private utility.

**Section 12. Planting Distance from Property Lines.** No private trees shall be planted closer than 5 feet to any private property line.

**Section 13. Tree Topping.** Except as provided by this Section, it shall be unlawful as a normal practice of any person, firm or City Department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs or stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or obstructions where other pruning practices are impractical may be exempted from this Ordinance by the determination of the City.

**Section 14. Pruning and Corner Clearance.** The owner of a tree overhanging a street right-of-way within the City shall prune the branches so that the branches do not obstruct the light from a street lamp or obstruct the view of any street intersection. The owner shall maintain a clear space of 15 feet above the surface of the street, and 10 feet above the surface of any sidewalk. The owner shall remove all dead, diseased, or dangerous, or broken or decayed limbs which constitute a menace to the safety of the public.

**Section 15. Abuse or Mutilation of Trees.** No person shall abuse, destroy, or mutilate any street tree, in a dedicated public right-of-way, or any other public place, or attach or place any rope or wire (other than one used to support the tree itself), sign, poster, handbill, or other thing to, or on any tree growing in a public place, or cause or permit any wire charged with electricity to come into contact with any such tree, or to allow any gaseous liquid, or solid substance which is harmful to such trees to come into contact with their roots or leaves.

**Section 16. Removal of Stumps.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. The costs of removing stumps shall be borne by the abutting property owner, and the costs shall be a lien against the abutting property.



10-15.17

10-15.24

**Section 17. Tree Replacement.** The City may require the replacement by the abutting land owner, at the land owner's expense, of a new tree after permission has been granted for the removal of an existing street tree.

**Section 18. Arborculturst Permit and Insurance Bond.** No person, or firm shall engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for, and procuring permission from the City. However, permission shall not be required of any public service company, or City employee doing such work in the pursuit of their public service endeavors. Before permission is granted, an arborculturst shall file evidence of possession of liability insurance in the minimum amounts of \$100,000 for bodily injury and \$300,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of the endeavors as described in this Section.

**Section 19. Interference with the City.** No person shall prevent, delay, or interfere with the City or any of its agents, while engaging in the planting, cultivating, mulching, pruning, spraying, or removal of any street trees, park trees, or private trees as authorized by this Ordinance.

**Section 20. Administration of the Ordinance.** The interpretation and administration of this ordinance is the responsibility of the City Administrator or persons designated by the City Administrator.

**Section 21. Appeals.** Appeals from an order made under the authority of this Ordinance may be made by filing a written notice with the City Administrator within 10 days after the order is received, stating in substance, that the appeal is being made from the order to the City Council. The Administrator shall call the appeal to the attention of the City Council at their next regular succeeding meeting. At the meeting the appellant and the Recreation and Parks Director, or the Public Works Director may present evidence. Action taken by the City Council after the hearing shall be conclusive.

**Section 22. Review by the City Council.** The City Council may review the conduct, acts and decisions of the Street Tree Committee. A person may appeal from the ruling or order of the Committee to the City Council who shall hear the matter and make final decision.

**Section 23. Civil Infraction Assessment.** A violation of any provision of this ordinance constitutes a class 3 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 23 as amended by Ordinance 2008, passed October 24, 1988.]

**Section 24. Severability Clause.** Each portion of this Ordinance shall be deemed severable from any other portion. The unconstitutionality or validity of any portion of this Ordinance shall not invalidate the remainder of the Ordinance.

10-15.25

10-15.25

Section 25. Repeal Clause. Ordinance 1786 is hereby repealed.

*Passed by the Council January 14, 1985, and approved by the Mayor  
January 17, 1985.*

## ORDINANCE NO. 2018

AN ORDINANCE REGULATING AND CONSTRAINING DEVELOPMENT AND CONSTRUCTION WITHIN THE FLOOD PLAIN AREAS OF WOODBURN, REPEALING ORDINANCE NO. 1967, AND DECLARING AND EMERGENCY.

## THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

**Section 1. Purpose and Intent.** It is the purpose and intent of this ordinance to promote the public health, safety and welfare, and to minimize public and private losses due to flood conditions by regulating and constraining development and construction within the flood plain areas of Woodburn.

**Section 2. Definitions.**

(A) "Area of Special Flood Hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FIRM. Zone A is usually refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH or AR/A. (Amended by Ordinance 2253, January 10, 2000)

(B) "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." (Amended by Ordinance 2253, January 10, 2000)

(C) "Development" means any man-made changes to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

(D) "FIRM". An acronym for Flood Insurance Rate Map. This is the official map of the community, on which has been delineated both the special hazard areas and the risk premium zones applicable to the City of Woodburn. (Amended by Ordinance 2253, January 10, 2000)

(E) "Flood or Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas.

(F) "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that is an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. (Amended by Ordinance 2253, January 10, 2000)

(G) "Floodway" means the channel of a stream or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing water surface elevations more than one(1) foot.

## 10-19.2

## 10-19.2

(H) "Lowest Floor" means the lowest floor of the lowest enclosed area (including a basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance found at Section 5(A)(2). (Amended by Ordinance 2253, January 10, 2000)

(I) "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For insurance purposes the term "manufactured home" does not include a "recreational vehicle" which is: built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. (Amended by Ordinance 2253, January 10, 2000)

(J) "Mean Sea Level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations on the city's FIRM are referenced. (Amended by Ordinance 2253, January 10, 2000)

(K) "New Construction" means structures for which the start of construction commenced on or after the effective date of this ordinance.

(L) "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the excavation for a basement, footings, piers, or foundation or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. (Amended by Ordinance 2253, January 10, 2000.)

(M) "Storm Water Management Plan" means the section of the City's officially adopted Comprehensive Plan which deals with storm water and flood water management. (Amended by Ordinance 2253, January 10, 2000)

(N) "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. (Amended by Ordinance 2253, January 10, 2000)

## 10-19.2

## 10-19.3

(O) Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of the structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the city code enforcement official and which are the minimum necessary to assure safe living conditions or,

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

(Amended by Ordinance 2253, January 10, 2000.)

**Section 3. General Provisions.**

(A) Land to which this ordinance applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Woodburn.

(B) Subdivision Proposals:

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (which ever is less).

(C) Review of Building Permits: Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high-water marks, photographs of past flooding, etc, where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

## 10-19.3

## 10-19.3

(D) Basis for establishing the areas of special flood hazard. The area of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Marion County and Incorporated Areas" dated January 19, 2000, with accompanying flood insurance maps is hereby adopted by reference and declared to be a part of this ordinance. In addition, the City's Storm Water Management Plan is also adopted by this ordinance and included as a part thereof. (Amended by Ordinance 2253, January 10, 2000)

(E) Minimum floor elevations for structures in the flood hazard area. THE MINIMUM FLOOR ELEVATIONS FOR STRUCTURES IN THE FLOOD HAZARD AREAS SHALL BE DETERMINED ON A SITE SPECIFIC BASIS USING SURVEYS AND SURVEY DATA OR DATA FOUND TO BE ACCEPTABLE UNDER THE SECTIONS OF THIS ORDINANCE OR THE NATIONAL FLOOD INSURANCE STANDARDS.

(F) Floodways defined. The following floodways are hereby defined by this ordinance:

(1) For Mill Creek main drainage channel A MAXIMUM FLOODWAY WIDTH OF 150 FEET AS DEFINED ON DATA TABLE #6 OF THE MARION COUNTY AND INCORPORATED AREA FLOOD INSURANCE STUDY. (Amended by Ordinance 2253, January 10, 2000)

(2) For Senecal Creek main channel, a MAXIMUM FLOODWAY WIDTH OF 145 FEET AS DEFINED ON DATA TABLE #2 OF THE MARION COUNTY AND INCORPORATED AREA FLOOD INSURANCE STUDY. (Amended by Ordinance 2253, January 10, 2000)

(3) For the tributary in drainage basin no. 2 as defined on the Storm Water Management Plan, a floodway of 80 feet from the confluence with tributary no. 2 with Mill Creek upstream 1,600 feet.

(4) For the tributary in drainage basin no. 3, a floodway channel of 60 feet from the confluence of tributary no. 3 with the main Mill Creek channel upstream 1,000 feet.

(5) For the tributary in drainage basin no. 5, a floodway of 80 feet from the confluence of tributary No. 5 with the Mill Creek channel upstream 1,600 feet.

(6) For the tributary in drainage basin no. 6, a floodway of 100 feet from the confluence of tributary no. 6 with the Mill Creek channel upstream 1,000 feet, a floodway of 80 feet from 1,000 to 1,500 feet, and a floodway of 60 feet from 1,500 feet to 2,000 feet above the confluence of Mill Creek.

(7) For the tributary in drainage basin no. 7, a floodway of 80 feet from the confluence of tributary no. 7 with Mill Creek upstream 1,800 feet.

10-19.3

10-19.4

(8) For the Senecal Creek tributary which is unnumbered on the Storm Water Management Plan but which drains the area from Interstate 5 to Woodland Avenue, a floodway of 80 feet from the point of its confluence with Senecal Creek upstream to the point at which it crosses underneath State Highway 214.

(G) In addition to the above mentioned floodways, a floodway of 40 feet shall be maintained on all open existing drainage channels within the City of Woodburn.

#### Section 4. Administration.

(A) Establishment of development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3 (F). The permits shall be for all structures including manufactured homes as set forth in the definitions and for all other developments including fill and other activities as also set forth in the definitions. (Amended by Ordinance 2253, January 10, 2000)

(B) Designation of the City Engineer. The City Engineer, or his designate, is hereby appointed to administer and implement this ordinance by granting or denying development applications in accordance with its provisions.

(C) Duties and responsibilities of the City Engineer. Duties of the City Engineer shall include, but are not limited to:

(1) Permit review. Review all development permits to determine whether the permit requirements of this ordinance have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway.

(4) Review all requests to fill in the flood hazard area to determine if the requests are in conformance with the criteria set forth in this ordinance.

(D) Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 3(B), (C), basis for establishing the areas of special flood hazard, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other sources in order to administer the provisions of this ordinance.

(E) Information to be obtained and maintained.

10-19.4

10-19.5

(1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4(D), obtain and record the actual elevation in relation to mean sea level of the lowest floor (including basement) of all new or substantially improved structures and whether or nor the structure contains a basement.

(2) For all new or substantially improved flood-proof structures:

(i) Obtain and record the actual elevation (in relation to mean sea level) and,

(ii) Maintain the flood proofing certifications required in Section 6(B)(3).

(iii) Elevations required above shall be provided by the owner along with a certification by an engineer or registered land surveyor of the actual elevation above mean sea level of the lowest floor of the structure.

(F) Alteration of water courses.

(1) Notify adjacent communities and the state agency responsible prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Emergency Management Agency.

(2) Require that maintenance is provided within the altered and relocated portion of said water course so that the flood carrying capacity is not diminished.

(Amended by Ordinance 2253, January 10, 2000)

**Section 5. General Standards.** In all areas of special flood hazards the following standards are required.

(A) Anchoring.

(1) All new construction and substantial improvements to existing structures shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All manufactured homes in a special flood hazard area shall be placed on fill AND elevated to the minimum elevations established in Section 3(C) or 1.5 feet above the elevation of the base flood.

(3) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.



10-19.5

10-19.6

(B) Utilities.

(1) All new and replacement water supply systems shall be designed and constructed to minimize or eliminate infiltration of flood waters into the system.

(2) New and replacement sanitary sewer systems shall be designed and constructed to minimize or eliminate infiltration of flood waters into the systems and discharge of the systems into the flood waters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(C) Storage of materials and equipment. Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by flood-waters, are prohibited in the flood hazard area. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low-damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning, however, no storage is allowed in the floodway.

**Section 6. Specific Standards.** In all areas of special flood hazards where base flood elevation data has been provided in this ordinance under Section 3(C) or Section 4(D), the following provisions are required.

(A) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(B) All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes is ABOVE the base flood elevation and be securely anchored or an adequately anchored foundation system in accordance with the provisions of Section 5(A)(2) and 5(A)(3).

(C) Residential Construction. New construction and substantial improvement of any residential structures shall have the lowest floor, including basement, elevated to or above the elevation established in Section 3(C), or 1.5 feet above the elevation established in Section 3(D) and 4(D).

(D) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

10-19.6

10-19.7

(1) A minimum of two openings having a total of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(E) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the elevation established in Section 3(C), or 1.5 feet above the elevation of the base flood established in Section 3(D) and 4(D) or, together with the attendant utility and sanitary facilities shall:

(1) Be flood proofed so that below the base flood level of the structure is water-tight with walls substantially impermeable to the passage of water.

(2) Have structural components capable of resisting hydrostatic loads and effect of buoyancy in a base flood.

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice of meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the City Engineer.

(4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 6(A).

(5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

**Section 7. Floodways.**

(A) IN THE FLOODWAYS AS DEFINED UNDER SECTION 3(F), NO ENCROACHMENTS INCLUDING FILL, NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, AND OTHER DEVELOPMENT, WITHIN THE ADOPTED REGULATORY FLOODWAY THAT WOULD RESULT IN ANY INCREASE IN FLOOD LEVELS, IS PERMITTED.

(B) THE NORMAL AND ROUTINE MAINTENANCE OF STREAM CHANNELS IS NOT PRECLUDED BY THIS ORDINANCE PROVIDED SUCH MAINTENANCE COMPLIES WITH THE NO RISE STANDARD IN FLOOD LEVELS AS OUTLINED IN SECTION 7(A).

10-19.8

10-19.10

**Section 8. Fill Standards**

(A) All structures built in the special flood area shall be constructed on engineered fill or shall have designed footings at suitable depth, both as required by the Uniform Building Code, or in conformance with other additional standards as required by the City Engineer in accordance with good engineering practices.

(B) The slope on a fill in the special flood hazard area shall not exceed 33%. Toe of such fill shall be outside the floodways defined in Section 3(D).

(C) The amount of fill in the special flood hazard area shall be kept to a minimum. The following standards shall apply.

(1) Only one structure per existing lot at the time of passage of this ordinance shall be allowed for areas within the special flood hazard area. The structure shall be located so that a minimum amount of fill will be necessary for the elevation of the structure above the flood level.

(2) All subdivision, partition, and planned unit developments which envision development of any special flood hazard area shall indicate on the preliminary plan the location of all structures proposed to be located in the flood hazard area. These structures shall be located so that a minimum amount of fill is required to develop the land.

(3) Development proposals, whether nonresidential or residential, together with public utilities and facilities attendant to them, shall be constructed to minimize flood damage, and adequate drainage shall be provided. In areas not covered by Section 3(B), flood elevation data shall be provided by the developer.

(4) Multiple family residential or nonresidential structures shall be located as far as practical on the existing contiguous property from the floodway.

**Section 9. Density Transfer.** The Planning Commission may, upon application under the variance procedure, allow a higher density of dwelling units or structures on a parcel of property which contains areas of special flood hazard if the areas of special flood hazard are left substantially without fill. The Commission shall determine the amount of fill which would practicably be allowed in the flood hazard, and the additional amount of density on land outside the special flood hazard area which should be allowed due to the loss of the developable land in the flood hazard area.

**Section 10. Variances.** Variances to this ordinance shall comply with the same standards and follow the same procedures for variances to the Zoning Code of the City of Woodburn.

10-19.11

10-19.15

**Section 11. Enforcement.**

(A) Violation of this ordinance is a CLASS I CIVIL INFRACTION and shall be punishable by a fine of up to \$500 for the first offense (finding of violation), and by a fine of up to \$500 for the second and succeeding offenses (finding of violation). A separate offense will be deemed to occur on each calendar day that the infraction continues to exist, and a separate citation may be filed for each such offense.

(B) Alternate Remedy. If a parcel of land is, or is proposed to be used, developed, or maintained in violation of this ordinance, the aforesaid use shall constitute a nuisance, and the City may, as an addition to other remedies that are legally available for enforcing this ordinance institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful use, development, or maintenance of the land.

**Section 12. Violation as Nuisance.** Violation of any provision of this ordinance is hereby declared to be a nuisance, for which remedy may be pursued by the City to the full extent of law, notwithstanding any limitation in this or any other ordinance.

**Section 13. Severability.** If any word, clause, phrase, section, subsection, or other portion of this ordinance is found invalid by a court of competent jurisdiction, then the remainder of the ordinance shall be given full effect.

**Section 14. Ordinance Repealed.** Ordinance No 1967 is hereby repealed and Ordinance No. 1664 is not thereby resurrected.

**Section 15.** [Emergency clause.]

*Passed by the Council and approved by the Mayor March 27, 1989*

10-20.1

10-20.4

## ORDINANCE NO. 2021

AN ORDINANCE ADOPTING A NEW URBAN GROWTH BOUNDARY AGREEMENT WITH MARION COUNTY; REPEALING ORDINANCE 1953; AND DECLARING AN EMERGENCY.

## THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

**Section 1.** That the City of Woodburn enter into an agreement with Marion County, marked "Exhibit A" and attached hereto.

**Section 2.** That the Mayor and City Recorder of the City of Woodburn are authorized to sign this agreement on behalf of the City.

**Section 3.** That Ordinance 1953 is hereby repealed.

**Section 4.** [Emergency clause.]

*Passed by the Council May 8, 1989 and approved by the Mayor May 10, 1989.*

10-23.1

10-23.2

## ORDINANCE NO. 2056

**AN ORDINANCE ESTABLISHING ADMINISTRATIVE FEES FOR PROCESSING OF LAND USE APPLICATIONS AND DECLARING AN EMERGENCY.**

[Whereas clauses.]

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1.** The fee schedule attached hereto as Exhibit "A" and incorporated herein is hereby adopted by the City to establish administrative fees to be charged to applicants under Ordinance 1807 (the Zoning Ordinance) and Ordinance 2051 (the Subdivision Ordinance).

**Section 2.** [Emergency clause.]

*Passed by the Council March 11, 1991 and approved by the Mayor  
March 12, 1991.*

**ORDINANCE NO. 2313**

**AN ORDINANCE ADOPTING THE WOODBURN DEVELOPMENT ORDINANCE, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WOODBURN, REPEALING ORDINANCES 1807, 2076 AND 2186, AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the Woodburn Comprehensive Plan has been adopted and acknowledged under the laws of the State of Oregon; and

**WHEREAS**, the City currently has in effect the following ordinances which implement the Woodburn Comprehensive Plan:

- a) Ordinance No. 1807 – Woodburn Zoning Ordinance,
- b) Ordinance No. 2018 – Woodburn Flood Plain Ordinance,
- c) Ordinance No. 2186 – Woodburn Access Management Ordinance,
- d) Ordinance No. 2076 – Woodburn Subdivision Ordinance, and
- e) Ordinance No. 2092 – Woodburn Sign Ordinance; and

**WHEREAS**, the City has made only minor revisions to Ordinance No. 1807 (the Woodburn Zoning Ordinance) since it was first adopted in 1983; and

**WHEREAS**, state laws have changed significantly and the practice of land use planning has evolved; and

**WHEREAS**, in recent years the city has experienced tremendous growth and development and it has become apparent that there is a need for a new ordinance which is internally consistent, clear and easier to use; and

**WHEREAS**, the Woodburn Development Ordinance was drafted to provide a better and more efficient ordinance to regulate development; and

**WHEREAS**, on January 24, 2002, the Woodburn Planning Commission held a public hearing on the Woodburn Development Ordinance; and

**WHEREAS**, on March 25, 2002, the Woodburn City Council held a public hearing on the Woodburn Development Ordinance; NOW, THEREFORE,

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1.** That the document known as the Woodburn Development Ordinance which is attached hereto as Exhibit "A" and incorporated herein by this reference is hereby adopted.

10-25.2

10-25.6

**Section 2.** The Official Zoning Map of the City of Woodburn is hereby amended by the Zone Change Map which is attached hereto as Exhibit “B” and incorporated herein by this reference.

**Section 3.** That the City’s adoption of the Woodburn Development Ordinance is justified and explained by the Legislative Findings which are attached hereto as Exhibit “C” and incorporated herein by this reference.

**Section 4.** Ordinance Nos. 1807, 2076 and 2186 are hereby repealed.

**Section 5.** This ordinance is effective on July 1, 2002.

**Section 6.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

*Passed by the Council April 8, 2002 and approved by the Mayor April 9, 2002.*

The full text of this document is on file for reference in the office of the City Recorder.